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IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**SIXTY-SIXTH LEGISLATIVE DAY
WEDNESDAY, MARCH 18, 2009**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Werk and Winder, absent and formally excused by the Chair; and Senators Cameron and Lodge, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Darcie Wonacott, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 17, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 18, 2009

The JUDICIARY AND RULES Committee reports that [S 1153](#), [S 1154](#), [S 1155](#), and [S 1156](#) have been correctly printed.

DARRINGTON, Chairman

[S 1153](#) was referred to the Judiciary and Rules Committee.

[S 1154](#) was referred to the Education Committee.

[S 1155](#) and [S 1156](#) were referred to the State Affairs Committee.

March 17, 2009

The TRANSPORTATION Committee reports out [H 147](#) with the recommendation that it do pass.

MC GEE, Chairman

[H 147](#) was filed for second reading.

March 17, 2009

The TRANSPORTATION Committee reports out [S 1146](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MC GEE, Chairman

There being no objection, [S 1147](#) was referred to the Fourteenth Order of Business, General Calendar.

March 17, 2009

The HEALTH AND WELFARE Committee reports out [S 1146](#) and [H 145](#), as amended, with the recommendation that they do pass.

LODGE, Chairman

[S 1146](#) and [H 145](#), as amended, were filed for second reading.

March 17, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 110](#), [H 111](#), and [H 112](#) with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

ANDREASON, Chairman

[H 110](#), [H 111](#), and [H 112](#) were filed for second reading.

March 17, 2009

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Gayle L. O'Donahue to the Public Charter School Commission, term to expire May 12, 2012.

Gayann DeMordaunt to the Public Charter School Commission, term to expire May 12, 2012.

GOEDDE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 17, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 160](#), as amended, with the recommendation that it do pass.

HILL, Chairman

[H 160](#), as amended, was filed for second reading.

March 17, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 141](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HILL, Chairman

There being no objection, [H 141](#) was referred to the Fourteenth Order of Business, General Calendar.

Senator Lodge was recorded present at this order of business.

March 18, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 108](#), [H 113](#), [H 115](#), [H 188](#), [H 189](#), [H 190](#), and [H 191](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 108](#), [H 113](#), [H 115](#), [H 188](#), [H 189](#), [H 190](#), and [H 191](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 17, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 31](#), as amended in the Senate, [H 34](#), as amended in the Senate, [H 79](#), as amended in the Senate, and [H 132](#), as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 31](#), as amended in the Senate, [H 34](#), as amended in the Senate, [H 79](#), as amended in the Senate, and [H 132](#), as amended in the Senate, and ordered them returned to the House.

March 17, 2009

Dear Mr. President:

I return herewith Enrolled [S 1043](#), [S 1056](#), as amended, [S 1062](#), [S 1070](#), [S 1073](#), [S 1075](#), [S 1080](#), and [S 1091](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1043](#), [S 1056](#), as amended, [S 1062](#), [S 1070](#), [S 1073](#), [S 1075](#), [S 1080](#), and [S 1091](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Wendy Lively was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Davis, seconded by Senator Kelly, the Gubernatorial appointment of Wendy Lively as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Kent Ireton was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Coiner, seconded by Senator LeFavour, the Gubernatorial appointment of Kent Ireton as a member of the Commission for the Blind & Visually Impaired was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Michael D. Gibson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator LeFavour, the Gubernatorial appointment of Michael D. Gibson as a member of the Commission for the Blind and Visually Impaired was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1157

BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO CONSOLIDATION OF CITIES; AMENDING SECTION 50-2101, IDAHO CODE, TO PROVIDE THAT WHEN CITIES ARE CONSOLIDATED THE NEW NAME OF THE NEW CITY MAY BE MUTUALLY AGREED UPON AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-2105, IDAHO CODE, TO PROVIDE IN THE BALLOT QUESTION THAT THE NAME OF THE PROPOSED NEW CITY SHALL BE LISTED; AND DECLARING AN EMERGENCY.

[S 1157](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Cameron was recorded present at this order of business.

[H 32](#), as amended, and [H 65](#), as amended, by State Affairs Committee, were read the second time at length and filed for third reading.

[S 1142](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 164](#) and [H 168](#), by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

[H 185](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 124](#), [H 128](#), and [H 129](#), by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [S 1140](#), having been held, was referred to the Fourteenth Order of Business, General Calendar.

[S 1074](#), as amended, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS—None.

Absent and excused—Werk, Winder. Total - 2.

Total - 35.

Whereupon the President declared [S 1074](#), as amended, as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1020](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS—None.

Absent and excused—Werk, Winder. Total - 2.

Total - 35.

Whereupon the President declared [S 1020](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1108](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and Darrington arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS—None.

Absent and excused—Werk, Winder. Total - 2.

Total - 35.

Whereupon the President declared [S 1108](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[H 70](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKague arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS–None.

Absent and excused–Werk, Winder. Total - 2.

Total - 35.

Whereupon the President declared [H 70](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 152](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS–None.

Absent and excused–Werk, Winder. Total - 2.

Total - 35.

Whereupon the President declared [H 152](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 76](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde and Coiner arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner. Total - 28.

NAYS–Bilyeu, Bock, Kelly, Thorson (Stennett). Total - 4.

Absent and excused–Bair, Werk, Winder. Total - 3.

Total - 35.

Whereupon the President declared [H 76](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 57](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Sagness arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS–None.

Absent and excused–Werk, Winder. Total - 2.

Total - 35.

Whereupon the President declared [H 57](#) passed, title was approved, and the bill ordered returned to the House.

[H 78](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS–None.

Absent and excused–Werk, Winder. Total - 2.

Total - 35.

Whereupon the President declared [H 78](#) passed, title was approved, and the bill ordered returned to the House.

[H 40](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Cameron disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS–None.

Absent and excused–Werk, Winder. Total - 2.

Total - 35.

Whereupon the President declared [H 40](#) passed, title was approved, and the bill ordered returned to the House.

[H 137](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS—None.

Absent and excused—Werk, Winder. Total - 2.

Total - 35.

Whereupon the President declared [H 137](#) passed, title was approved, and the bill ordered returned to the House.

[H 59](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS—None.

Absent and excused—Werk, Winder. Total - 2.

Total - 35.

Whereupon the President declared [H 59](#) passed, title was approved, and the bill ordered returned to the House.

President Pro Tempore Geddes assumed the Chair.

[H 60](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett). Total - 33.

NAYS—None.

Absent and excused—Werk, Winder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 60](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12 noon until the hour of 10:30 a.m., Thursday, March 19, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary